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FM AMEMBASSY MOGADISHU
TO SECSTATE WASHDC 1187

C O N F I D E N T I A L MOGADISHU 10969

E.O. 12356: DECL: OADR
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SUBJECT: CONSTITUTION DRAFTER DISILLUSIONED

REF: MOGADISHU 09743

11. CONFIDENTIAL - ENTIRE TEXT.

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12. ON DECEMBER 17, POLOFF SPOKE WITH ABDULAH I MOALLIM, A HAWIYE LAWYER SPECIALIZING IN HUMAN RIGHTS ISSUES. MOALLIM WAS ONE OF THE SIX DRAFTERS OF THE NEW SOMALI CONSTITUTION.

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13. MOALLIM SAID HE WAS DISILLUSIONED BY THE GSDR'S LACK OF RESPECT FOR THE CONSTITUTION, AND LISTED 13 VIOLATIONS, INCLUDING ILLEGAL ARRESTS, PROPERTY SEIZURES, AND KILLINGS, OF ITS TERMS SINCE ITS IMPLEMENTATION. MOALLIM ALSO CALLED THE NEW SECURITY DECREE UNCONSTITUTIONAL, AND MAINTAINED THAT ITS ISSUANCE WAS A MISUSE OF THE CONSTITUTIONAL PROVISION ALLOWING PRESIDENTIAL DECREES. THESE SHOULD ONLY BE USED FOR "TRUE EMERGENCIES," HE SAID.

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14. WHEN ASKED WHETHER HE WOULD STILL BE WILLING TO SERVE ON THE GSDR DELEGATION TO ROUND TABLE TALKS WITH THE OPPOSITION, WERE THESE TO BE RESCHEDULED, MOALLIM CLAIMED HE HAD NEVER BEEN WILLING TO SIT ON THE GOVERNMENT'S SIDE. HIS NAME HAD BEEN PUT ON THE LIST WITHOUT HIS BEING ASKED.

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15. NEVERTHELESS, MOALLIM CONTINUED, HE BELIEVED THAT TALKS BETWEEN THE GSDR AND ITS OPPONENTS HAD SOME CHANCE OF SUCCEEDING AND WERE THE ONLY WAY TO AVOID A VIOLENT END TO THE SIAD REGIME. HE BELIEVED, HOWEVER, THAT THE EGYPTIAN AND ITALIAN GOVERNMENTS WERE FED UP WITH SIAD'S TERGIVERSATIONS AND DOUBTED THEY WOULD BE WILLING TO RESCHEDULE THE ROUND TABLE TALKS. NOBODY TRUSTS SIAD, HE SAID, AND RECONCILIATION IS UNLIKELY TO TAKE PLACE UNTIL SIAD RESIGNS, A STEP MOALLIM BELIEVES SIAD WILL BE COMPELLED TO TAKE.

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16. COMMENT. MOALLIM'S GLOOM REGARDING THE CONSTITUTION AND PEACEFUL RECONCILIATION IS REMARKABLE BECAUSE, SIX WEEKS AGO, HE WAS THE MOST OPTIMISTIC OF THE EMBASSY'S CONTACTS (REFTEL). HIS CONTINUED BELIEF IN THE POSSIBILITY OF A PEACEFUL SOLUTION TO SOMALIA'S POLITICAL CRISIS STILL SHOWS HIM TO BE MORE SANGUINE THAN MOST OF OUR OTHER CONTACTS.

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17. ALL PARTIES SEEM TO WANT TO CLAIM MOALLIM FOR THEIR SIDE. IN ADDITION TO BEING ADDED TO THE GSDR DELEGATION WITHOUT HIS PERMISSION, MOALLIM EARLIER THIS YEAR WAS FALSELY LISTED AS A SIGNER OF THE MAY MANIFESTO. END COMMENT.

BISHOP